IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition (S/S) No. 497 of 2010

Uttarakhand Treasury Staff Association ...Petitioner

Versus

State of Uttarakhand and others ...Respondents

Present: Mr. Anil Bisht, Counsel for the petitioner.
Mr. B. D. Kandpal, Deputy Advocate General for the State of Uttarakhand.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. Heard Mr. Anil Bisht, Counsel for the petitioner and Mr. B. D. Kandpal, Deputy Advocate General for the State of Uttarakhand.

2. The petitioner is an association of Accountant/Assistant Accountant of the Treasury Department of the State of Uttarakhand. They claim parity of salary with their counterparts working in the Secretariat of State of Uttarakhand. This controversy had come up before Hon'ble Allahabad High Court where the same association of the erstwhile State of Uttar Pradesh filed a writ petition stating that although the work and duty of Accountant/Assistant Accountant in the Treasury Department is same to that of their counterparts in the State Secretariat, they are being given less salary than that of Accountant/Assistant Accountant in the State Secretariat. The learned Single Judge of Hon'ble Allahabad High Court vide order dated 3.12.2004 had allowed the writ petition and issued a mandamus to the opposite parties to give same salary to Accountant/Assistant Accountant of the Treasury Department as is applicable and being paid to their counterparts working in the State Secretariat. This order was not complied with by the State Government of Uttar

Pradesh for the reasons that it is not a party before the Court in the said writ petition. The said association was constrained to file contempt petition before the Hon'ble Allahabad High Court, which was disposed of by the learned Single Judge on 18.3.2007. The relevant portion of the order passed in contempt petition reads as under:-

> "The contempt proceedings are accordingly dropped, notices are discharged and the contempt application is disposed of with the following direction:
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> > (i) The members of the applicant's association, who have not been paid arrears, will individually move an application before the authority concerned. If such an application is filed, the authority concerned will clear the arrears within three months from the date of the production of a certified copy of this order."

3. A fact has been stated at the bar by the petitioner before this Court which has not been denied by the State counsel that now Accountant/Assistant Accountant of Treasury Department in Uttar Pradesh are getting the same salary along with the arrears, as are being given to the Accountant/Assistant Accountant working in State Secretariat.

4. Since this was not being done in the State of Uttarakhand, the writ petition was filed before this Court. A fact has come up in the rejoinder affidavit that since April, 2001 members of the association are getting the same salary as are being given to the Accountant/Assistant Accountant of the Secretariat of State of Uttarakhand. Deputy Advocate General for the State agreed that there is now a parity between the employees of the Treasury Department and the employees of the Secretariat of the State of Uttarakhand

and now they are getting same salary. However, the question only remains about the arrears. Since the counterparts in Uttar Pradesh are getting the same since 1.1.1986, the petitioners are also liable to get the same benefits.

5. Most of the members of the petitioner association are ones who were also working in the State of Uttar Pradesh and have now been transferred to Uttarakhand cadre subsequent to the creation of the new State i.e. State of Uttarakhand. As such, depending upon the date on which they joined, the arrears shall be given by the State of Uttarakhand since 9.11.2000 till March, 2001 and for the period prior to 9.11.2000 the arrears shall be given by the State of Uttar Pradesh, as some of the members of the petitioner association were employees of the State of Uttar Pradesh. The order of the State Government rejecting the claim of the petitioner association for the reasons that they are not bound to comply with the order as the State of Uttar Pradesh as well as State of Uttarakhand were not a party in the said writ petition is of no relevance and is hereby set aside.

6. In order to remove any confusion, it is clarified that each of the member of the petitioner association shall be making a separate representation before the authority in Uttar Pradesh and Uttarakhand as the case might be, which shall then be cleared as per the terms stated above within a period of three months from the date such a representation is filed.

7. In view of the above, the writ petition is disposed of.

8. No order as to costs.

(Sudhanshu Dhulia, J.)
8.3.2013

Kuldeep